IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19942 of 2004

Between:

Datla Pandu Ranga Venugopala Rama Krishnam Raju S/o.Krishnam Raj
R/o.Pippara Village Ganapavaram Mandal, West Godavari District.

..... PETITIONER

AND

1 The Pippara Grampanchayath Rep. by its Secretary, Pippara Village Grampavaram Mandal, West Godavari District.
2 The Executive Engineer Roads and Buildings Kovur, West Godavari District.
3 The Executive Engineer Panchayathraj, Eluru, West Godavari District.
4 The Mandal Revenue Officer Ganapavaram Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or orders more particularly one in the nature of writ of Mandamus declaring the action of the respondents in constructing the shopping complex on the land allotted and resolved to develop a part vide resolution dt.20.3.2003 ie. at Block No.7, near R&B Road Weekly Market, of Pippara Village and consequently direct the respondents to not construct the shopping complex on the land allotted to raise and develop the part ie. at Block No.7, near R &B Road Weekly Market of Pippara Village as resolved by the Gram Panchayat Vide resolution dt.20.3.2003.

Counsel for the Petitioner:MR.R.S.MURTHY

Counsel for Respondents 1 &3: MR.DANTU SRINIVAS

Counsel for Respondent No.2:G.P. FOR ROADS AND BUILDINGS

Counsel for Respondent No.4:G.P. FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

This writ petition is filed by the Upa-Sarpanch of Pippara Gram Panchayat of Ganapavaram Mandal. The grievance of the petitioner is that an attempt is being made by the Sarpanch of the village to pass a resolution in connivance of other local politicians to set up a commercial complex in the area, which was earlier in the resolution of the Gram Panchayat dated 20.3.2003, earmarked to develop a park. It is the case of the petitioner that the respondents cannot change the purpose of the area which was earmarked for park without canceling the earlier resolution dated 20.3.2003. It is contended that for the proposed shopping complex, Bhoomi Pooja was also performed. Hence, the writ petition for a direction to the respondents to stop the construction of the shopping complex.

If the petitioner is aggrieved for non-implementation of the resolution of the Gram Panchayat dated 20.3.2003 or if the respondents are proceeding to construct the alleged shopping complex in the land allotted for park without there being any resolution of the Gram Panchayat, the proper remedy for the petitioner is to submit a representation explaining the facts before the concerned District Collector and it is for the Collector to appraise the same and take appropriate action in the matter after calling for the report from the concerned.

The writ petition is disposed of with a liberty to the petitioner to move the District Collector for appropriate remedy. No costs.

A. GOPAL REDDY. J.

1st November, 2004

Note: Issue C.C. by tomorrow.

(b/o)

tsr.

To

1 The Pippara Grampanchayath Rep. by its Secretary, Pippara Village
Grampavaram Mandal, West Godavari District.
2 The Executive Engineer Roads and Buildings
Kovur, West Godavari District.
3 The Executive Engineer Panchayathraj, Eluru, West Godavari District.
4 The Mandal Revenue Officer Ganapavaram Mandal, West Godavari District.

5 Two CCs to Government Pleader for Revenue, High Court Buildings,
Hyderabad. (OUT).

6. Two CCs to Government Pleader for Roads& Buildings, High Court
Buildings, Hyderabad. (OUT).

7 Two CD copies.